

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN HARDNEY,

Plaintiff,

No. CIV S-02-1518 FCD JFM P

vs.

T.L. ROSARIO, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se with a civil rights complaint pursuant to 42 U.S.C. § 1983. This matter is presently set for trial confirmation hearing on March 2, 2007. On February 7, 2007, plaintiff filed a request for reservice of the court's scheduling order based on prison officials' refusal to return to plaintiff his legal material. On February 9, 2007, plaintiff filed a request for the court to order prison officials to return his legal materials to him. Plaintiff contends that on January 22, 2007, prison officials took all of his legal materials, books and typewriter and placed him in administrative segregation.¹ Because this case is rapidly approaching trial confirmation hearing, presently set for March 2, 2007, counsel for

¹ Plaintiff is cautioned that while he is housed in administrative segregation, there may be certain procedures he is required to follow in order to gain access to his legal materials and/or the law library.

1 defendants will be directed to inform the court forthwith as to the status of plaintiff's access to
2 his legal materials. Defendants are cautioned that failure to comply with this order may result in
3 the imposition of sanctions.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff's February 7, 2007 request is granted; the Clerk of the Court is
6 directed to re-serve a copy of the August 22, 2005 pretrial order on plaintiff; and

7 2. Plaintiff's February 9, 2007 request is partially granted. No later than 4:00
8 p.m. on February 22, 2007, counsel for defendants shall inform the court as to the status of
9 plaintiff's access to his legal materials.

10 DATED: February 16, 2007.

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13 UNITED STATES MAGISTRATE JUDGE

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